

REMARKS

Claims 1, 12, and 20 are amended, no claims are canceled, and no claims are added; as a result, claims 1 and 6-26 are now pending in this application.

No new matter has been added by the proposed amendments to claims 1, 12, and 20. Support for the amendments to claims 1, 12, and 20 can be found throughout the specification, for example but not limited to the specification at page 7, line 18-22.

Amendments proposed to claims 1, 12, and 20 are admissible because 37 C.F.R. § 1.116(b)(2) states,

(b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title):

(2) An amendment presenting rejected claims in better form for consideration on appeal may be admitted;

While the Applicants respectfully submit that these proposed amendments to claims 1, 12, and 20 present these claims in a better form for consideration on appeal, and thus may be admitted, the amendments to the claims incorporate subject matter indicated by the Final Office Action as allowable, and therefore claims 1, 12, and 20 should also be allowed.

Applicants respectfully request that these proposed amendments to claims 1, 12, and 20 be entered. In addition, Applicants respectfully request that the proposed amendments be considered in view of granting an allowance of all claims now pending in the application.

Allowable Subject Matter

Claims 11, 16-19, and 24-26 are allowed. Applicants respectfully acknowledge the allowance of claims 11, 16-19, and 24-26.

§103 Rejection of the Claims

Claims 1, 6-10, and 12-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Urakami et al. (U.S. Patent 6,794,909) in view of Arcoleo et al. (U.S. Patent 5,864,506).

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Urakami et al. (U.S. Patent 6,794,909) in view of Arcoleo et al. (U.S. Patent 5,864,506) in further view of Marshall et al. (U.S. Patent 6,876,224).

Claims 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Urakami et al. (U.S. Patent 6,794,909) in view of Arcoleo et al. (U.S. Patent 5,864,506) in view of Marshall et al. (U.S. Patent 6,876,224) in further view of Song (U.S. Patent 6,614,258).

Applicants respectfully traverse these rejection. As noted above, independent claims 1, 12, and 20 have each been amended to include subject matter indicated in the Final Office Action to be allowable. Thus, each of claims 1, 12, and 20 are not obvious in view of the proposed combinations of documents¹ used in the Final Office Action in the rejections of these claims.

Claims 6-10, 13-15, and 21-23 depend from one of independent claims 1, 12, and 20, and so include all of the subject matter included in the claims from which they depend, and more. For at least the reasons stated above with respect to independent claims 1, 12, and 20, claims 6-10, 13-15, and 21-23 are not obvious in view of the proposed combination of documents used in the Final Office Action in the rejections of these claims.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections, and allowance of claims 1, 6-10, 12-15, and 20-23.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Final Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited

¹ Applicants do not admit or agree that any combination or combinations including and of the Urakami et al., Arcoleo et al., Marshall et al., and Song documents are possible to form.

reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserve all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 612-371-2132 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 12th day of May 2008.

Amy Moriarty
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